



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

September 15, 2006

Mr. George Morf
Meadowlark Homes, Inc.
550 Bret Harte Road, # 8220
San Rafael, CA 94901

Dear Mr. Morf:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Meadowlark Phases IV & V Housing Project, 3033 & 3043 Marlow Road (APNs 036-035-056, -057), Santa Rosa, Sonoma County

File: Meadowlark Phases IV & V Housing Project, Sonoma County;
WDID No. 1B05089WNSO

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341). On June 24, 2005, the Regional Water Board received an application from Mr. Darren Wiemeyer of Golden Bear Biostudies, on behalf of Mr. George Morf (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Meadowlark Phases IV & V Housing Project (Project). On July 21, 2005, the Regional Water Board sent an Incomplete Application Letter to the Applicant. On December 19, 2005, the Regional Water Board issued a Denial, without prejudice, for the Project identifying outstanding additional information required for issuance of Water Quality Certification. On August 31, 2006, all required information was received and the Project was deemed complete.

Information describing the proposed project was noticed for public comment for a 21-day period on the Regional Water Board's website. No comments were received. The Project will impact Waters of the United States and Waters of the State associated with seasonal wetlands within the Santa Rosa Hydrologic Sub Area, Russian River Hydrologic Unit No. 114.22.

Project
Description: The Project is located at 3033 & 3043 Marlow Road in northwest Santa Rosa, Sonoma County. The purpose of the Project is to

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provide 25 single-family homes to the Santa Rosa area and consists of the development of two parcels totaling approximately 4.0 acres. The Project includes the installation of underground utilities; construction of roads, sidewalks, and driveways; as well as the installation of landscaping and fencing.

The Project will result in the permanent filling of 0.16 acres of seasonal wetland habitat as delineated by Mr. Marco Waaland, Mr. Bradley Welch and Mr. Billy Arnerich of Golden Bear Biostudies on October 31, 2003. Floral surveys were conducted by Ms. Betty Lovell Guggolz of the California Native Plant Society on April 21 and May 2, 1989. Burke's goldfields (*Lasthenia burkei*) was found on the parcel to the north of the site. No special status plant species were observed during floral surveys conducted by Golden Bear Biostudies on March 2001, July 2003, October 2003, and June 2005. The site is not within the potential range of the California tiger salamander (*Ambystoma californiense*) as mapped by the U.S. Fish and Wildlife Service.

Pre-construction erosion control Best Management Practices (BMPs) outlined in a Storm Water Pollution Prevention Plan (SWPPP) have been incorporated into the Project in order to decrease the potential for erosion and sediment discharges to Waters of the State.

Post-construction storm water treatment BMPs will be constructed as part of the Project in order to treat runoff from the 24-hour/85th percentile storm event. In the event that it becomes necessary for construction to occur during the rainy season, the Regional Water Board may require additional erosion control BMPs to protect water quality.

Receiving Water: Waters of the United States and Waters of the State associated with seasonal wetlands associated with the Santa Rosa Hydrologic Sub Area, Russian River Hydrologic Unit No. 114.22

Federal Permit: U.S. Army Corps of Engineers Nationwide Permit 39 – *Residential, Commercial, and Institutional Developments* (File Number 28365N, June 14, 2006)

Filled or
Excavated Area: Total Area Impacted: 0.16 acres of seasonal wetland habitat
Waters of the State Permanently Impacted: 0.03 acres
Waters of the U.S. Permanently Impacted: 0.13 acres

Compensatory**Mitigation:**

Mitigation for the permanent filling of 0.16 acres of seasonal wetland habitat was attained through the purchase of 0.20 acres of preservation credits from the Davis Preserve (April 19, 2006) and through the purchase of 0.25 acres of creation credits – 0.15 acres from the Laguna Mitigation Bank (Fidelity National Title Company, Escrow No. 88606-KN, September 25, 2002) and 0.10 acres from the Laguna Valley Mitigation Bank (Sotoyome Resource Conservation District, Sale No. 002, October 25, 2005).

Non-compensatory**Mitigation:**

Non-compensatory mitigation measures have been incorporated into the Project to reduce potential impacts to water quality. Mitigation measures include the preparation of a SWPPP (*Storm Water Pollution Prevention Plan for Meadowlark IV & V*, Golden Bear Biostudies, May 2006) and use of construction storm water erosion control BMPs.

Post-construction**Storm Water****Pollution****Prevention:**

In addition, to comply with the Regional Water Board's requirement to provide post-construction storm water treatment for the Project, the Applicant shall implement the post-construction *Storm Water Management Plan* (SWMP) (Carlile Macy, August 31, 2006). The BMPs were designed according to calculations used to determine the capacity needed to treat the runoff from the 85th percentile storm event. Failure to implement the treatment plan as described in the above referenced plans will be considered a violation of this Order, and is subject to Regional Water Board enforcement actions.

Lot Bioswales: Lot drainage from rear and side yards shall be treated in private bioswales prior to entering the storm drain system.

Planter Strip Bioretention Areas: Runoff from roofs, driveways, front yards, and streets, shall be treated in bioswales located in the street planter strips. The runoff will enter the bioretention areas through curb openings where it will be treated by percolating through top soil and drain rock. The runoff will then be collected by a perforated subdrain and piped to the storm drain system.

Pervious Gutters: Runoff from roofs, driveways, front yards, private lanes, and common driveways, shall drain to pervious gutters located in the lanes and driveways. The water will be filtered

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through a sand/rock layer before being collected in a perforated subdrain and piped to the storm drain system.

Maintenance of the lot bioswales shall be conducted by the private homeowners. Maintenance of the planter bioretention areas and pervious gutters shall be conducted by the Homeowners Association (SWMP, Carlile Macy, August 31, 2006).

CEQA

Compliance:

The City of Santa Rosa Planning Commission, as the lead California Environmental Quality Act (CEQA) agency, has determined that this Project qualifies for a Mitigated Negative Declaration pursuant to CEQA (Resolution No. 10534, June 10, 2004).

Standard

Conditions:

Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23) 23 CCR 3867.
- 2) This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to subsection 3855(b) of Chapter 28, CCR 23 and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3) This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23 and owed by the applicant.

Additional

Conditions:

Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

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- 1) The Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of grading work, with details regarding the construction schedule, in order to allow staff to be present on-site during construction, and to answer any public inquiries that may arise regarding the Project.
- 2) No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into Waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark or within Waters of the State or Waters of the United States.
- 3) BMPs for sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters (*Storm Water Pollution Prevention Plan for Meadowlark IV & V*, Golden Bear Biostudies, May 2006).
- 4) All fill material used on the site shall be clean and free of contaminants. A characterization report for all imported fill materials shall be provided to the Regional Water Board prior to the commencement of grading work.
- 5) A copy of this Order shall be provided to the contractor and all subcontractors conducting the work, and shall be in their possession at the work site.
- 6) If, at any time, a discharge to surface waters occurs, or any water quality problem arises, the Project shall cease immediately and the Regional Water Board shall be notified promptly.
- 7) All Project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the Project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.

- 8) The overall design and development of the Project shall include the post-construction storm water BMPs outlined in the Storm Water Management Plan (SWMP, Carlile Macy, August 31, 2006) that have been prepared for incorporation into the Project to mitigate for storm water discharges associated with the increase of impervious surface at the site. BMPs shall be implemented into the Project, as proposed by the Applicant and as outlined above in the Non-compensatory mitigation and Post-construction Storm Water Pollution Prevention sections of this Order.
- 9) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request shall also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

- 10) The Applicant shall provide photos of the completed work to the appropriate Regional Water Board staff person, in order to document compliance. The Applicant shall also provide photos of the completed work areas after the first significant rainfall event in order to ensure that erosion control has been successful.

Water Quality
Certification:

I hereby issue an order [23 CCR Subsection 3831(e)] certifying that the authorized discharge from Meadowlark Phases IV & V Housing Project (WDID No. 1B05089WNSO) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341

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(a)(1)], and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification (Enclosed).

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this Order for any dredge and fill activities expires on October 15, 2011. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Stephen Bargsten of our staff at (707) 576-2653, and in writing, prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,



Catherine E. Kuhlman
Executive Officer

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Enclosure: State Water Resources Control Board Order No. 2003-0017-DWQ,
General Waste Discharge Requirements for Dredge and Fill Discharges
That Have Received State Water Quality Certification

cc: Mr. Oscar Balaguer, SWRCB, 401 Program Manager
Mr. Bill Cox, Department of Fish and Game, Region 3, P.O. Box 47,
Yountville, CA 94599
Mr. David Wickens, U.S. Army Corps of Engineers, Regulatory Branch,
333 Market Street, San Francisco, CA 94105
Mr. Darren Wiemeyer, Golden Bear Biostudies, 406 E Street,
Santa Rosa, CA 95404

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